REMARKS

Claims 37 – 51 were pending. Claims 1-36 were previously canceled; claim 39 is currently canceled. Claims 37 and 51 are amended herein. Thus, claims 37, 38 and 40 – 51 are pending and presented for examination. Applicants respectfully request allowance of the present application in view of the foregoing amendments.

Support for the amendments can be found throughout the specification including but not limited to paragraphs 00037-00039, 00047-00049, and 00057-00060. No new matter has been added.

Claim Objections

Claim 51 was objected to because of an informality which Applicant has addressed according to the Examiner's suggestion. Accordingly, Applicant requests that the objection be withdrawn.

Response to Rejections under Section 101

The Examiner rejected claims 37 - 48 under 35 USC 101 as being non-statutory subject matter. Language tying the method to a particular machine or apparatus (e.g., an interconnected computer network having access to a stored knowledgebase) has been incorporated into the rejected claims rendering them statutory. Accordingly, Applicant requests that the rejection be withdrawn.

Response to Rejections under Section 103

The Examiner rejected claims 37 - 51 under 35 USC 103 as being obvious over Hung 6,587,754 in view of McDaniel 5,105,365. This rejection is respectfully traversed.

The Office bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. 103. To establish *prima facie* obviousness of a claimed invention, **all the claims limitations** must be considered for judging the patentability of the claim against the prior art. Without conceding the propriety of the asserted combination, Applicant respectfully submits that the asserted combination does not disclose the limitations of the claims.

Hung describes a steam-generation management system remotely measures amounts of utility used by steam-generating systems; monitors and compares their performance against benchmarked performance; analyzes and determines causes for variances in their performance; and recommends to the steam user actions for achieving optimum operation. The steam-generation management also permits remote access and interaction by the user and allows for integrating steam-related information into an overall strategy for managing steam and energy supply. *McDaniel* describes a system for assisting the implementation of an environmental compliance program using microcomputer hardware and software to automatically revise the test sampling frequency of potentially hazardous substances based on estimates of risk of exposure derived from sample data.

With respect to independent claim 37, neither reference describes or suggests at least the following:

-- analyzing a plurality of **energy-relevant operational process sequences by using predefined energy-relevant questions which are <u>independent of the sector of industry</u>** performed within the facility by a standardized diagnostic method ... uses predefined energy-relevant questions from the knowledgebase to identify and generate a report indicating areas where improvement to the sequences can be attained...

-- determining production planning for the core process utilizing a first predefined **standardized analysis package from the knowledgebase that is <u>independent of the industry sector</u>; ...**

-- determining production planning for the secondary process utilizing a second predefined **standardized analysis package from the knowledgebase that is <u>independent of the industry sector</u> ...**

With respect to independent claim 49, neither reference describes or suggests at least the following:

-- predefined **energy-relevant questions that are <u>independent of the industry sector</u>** for a standardized diagnostic method for the analysis of the operational process sequence...

-- first predefined **standardized analysis packages that are <u>independent of the industry sector</u>** for the standardized analysis method for the analysis of the core process;...

-- second predefined **standardized analysis packages that are <u>independent of the industry sector</u>** for the standardized analysis method for the analysis of the secondary process...

The applied references do no teach or suggest each and every claim limitation; therefore, *Hung* and *McDaniel*, taken alone or in combination, do not render claims 37 and 49 obvious. Since the remaining claims depend from claims 37 and 49, the same distinctions between *Hung* and *McDaniel* and the invention recited in the dependent claims apply for these claims. Additionally, the dependent claims recite other additional combinations of features not taught or suggested by the references. Accordingly, Applicant respectfully requests that the outstanding rejections of the claims be reconsidered and withdrawn.

<u>Conclusion</u>

Accordingly, Applicant submits that all claims are in condition for allowance and requests that a Notice of Allowance be issued. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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